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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,793	04/04/2001	Harald Bohringer	BOHRINGERETAL-1(PCT)	7796

25889 7590 12/15/2004

WILLIAM COLLARD  
COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN, NY 11576

EXAMINER
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SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/806,793

Applicant(s)

BOHRINGER ET AL.

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/9/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This application has been reviewed. Original claims 12-21 are pending. The rejection cited stated below.

**DETAILED ACTION**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-21 rejected under 35 U.S.C. 102(e) as being anticipated by Witkowski et al. U. S. Patent No. 6,098,110[hereinafter Witkowski].

As per claim Witkowski discloses a network for data transmission (102) with modules (202) linked for data exchange, as well as hub switches (210), each with several terminals (226) and assigned and/or integrated memory array, with each hub switch connecting its terminals in pairs while disconnecting from all other terminals and/or temporarily storing the data packets forwarded via the terminals separately and only forwarding them to the respective address terminal when it is available for data reception and/or can be disconnected (see col. 35, line 61 to col. 36, line 19), characterized in that in a process control with several programmable controllers linked through the hub switches (210), each including a central processing unit (CPU 230) and slave processors (TPI 220) each programmable controller is assigned a hub switch

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(210) with separate terminals for the slave processors (TPI 220) (see fig. 8A and col. 35, line 61 to col. 36, line 19) and central processing unit (CPU 230) of the respective programmable controller and each slave processor can exchange data with any arbitrary module while circumventing its assigned central processing unit (see fig. 2 and col. 5, line 55 to col. 6, line 30).

As per claim 13, Witkowski discloses a network according to claim 12, characterized in that connections between the terminals of a hub switch and/or relays of saved data to one of the terminals occur according to preset table priorities (see col. 17, line 54 to col. 18, line 6).

As per claim 14, Witkowski discloses a network according to claim 12, characterized in that at least one terminal (202) on at least one hub switch (210) is connected as a programming input (see fig. 2 and col. 5, line 55 to col. 6, line 30).

As per claim 15-17, Witkowski discloses a network according to claim 12, characterized in that the hub switches are linked and/or networked with one another via fiber optic cable, bus system or electrical data lines (see fig. 1, element 108 and col. 5, lines 23-31).

As per claim 18, Witkowski discloses a network according to claim 17, characterized in that the bus system (9) links together access control units (11) monitored by a

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transmission authority control (12), via which the bus (10) of the previously mentioned system (9) is connected with the assigned terminal of the hub switch and/or with a central processing unit with slave processors and/or with a programming device (4), with the transmission authority control (12) exclusively switching the transmission authority of the access control units (11) cyclically and/or according to preset table priority (see fig. 8A , col. 35, line 61 to col. 36, line 19 and col. 64, lines 36-63).

As per claim 19, Witkowski discloses a network according to claim 18, characterized in that each bus system (9) has its own transmission authority control (12) (see col. 35, line 61 to col. 36, line 19).

As per claim 20, Witkowski discloses a network for data transmission with modules (3, 9) linked for data exchange, particularly according to claim 12, characterized in that in a process control with several linked programmable controllers, each including a central processing unit and several slave processors (7), at least one controller has its central processor and slave processors (7) connected with one another and with the network via a bus system (9) (see fig. 8A and col. 35, line 61 to col. 36, line 19), which links access control units (11) monitored by a transmission authority control (12), via which the bus (10) of the bus system (9) is connected with the processors (6, 7) and/or with the network, with the transmission authority control (12) exclusively switching the transmission authority of the access control units (11) cyclically and/or according to

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preset table priority (see fig. 8A , col. 35, line 61 to col. 36, line 19 and col. 64, lines 36-63).

As per claim 21, Witkowski discloses a network according to claim 18, characterized in that the access control units (11) temporarily save transmission data of the assigned data modules until transmission authority is received (see col. 35, line 61 to col. 36, line 19).


### **CONCLUSION**

4. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Abdullahi Salad  
Examiner AU 2157  
12/4/2004